IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15518 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

M SHARMA & COMPANY

Versus

DHARAMSHIBHAI BACHUBHAI VAJA

Appearance:

1. Special Civil Application No. 15518 of 2003

MR MANISH R BHATT for Petitioner No. 1

MR RD RAVAL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 07/07/2004

ORAL JUDGEMENT

This petition was already admitted and is now placed before me for confirmation of interim relief. Learned advocate for the parties, however, submit that

the arguments to be advanced in support of confirming/vacating the interim relief would be identical as those to be advanced for final disposal of the petition and that therefore, they jointly request for taking up the matter for final disposal.

2. In the present petition, the petitioner challenges the order dated 23rd April 2001 passed in Recovery Application filed by the respondent-workman. This recovery application was based on the award of the Labour Court dated 28th July 2000. In the cognate matter being Special Civil Application No.15517 of 2003, by the order passed today, I have quashed the said award of the Labour Court, Bhavnagar and remanded the matter for fresh adjudication. In this view of the matter, the order passed in the Recovery Application filed by the respondent-workman which is under challenge in the present petition also automatically does not survive and is hereby quashed and set aside. The consequent demand notice as at Annexure 4 is also quashed and set aside. It will be open to the respondent-workman to take appropriate steps if ultimately the Labour Court after remand allows the reference in his favour.

3. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)